

III. REMARKS

The Examiner has objected to the drawings. Appended hereto is a replacement drawing amending Fig. 11A to add reference numeral 398. This drawing amendment overcomes the Examiner's objection. With respect to the stop in Claim 21, the Examiner is directed to Fig. 10A, which shows stop 314 (see also page 14, line 11-12 of the Specification).

Claims 1-2, 10-12, 15, 20-22, 39-40, 45, and 58-63 have been rejected under 35 U.S.C. 102 as being anticipated by Cutlan. The Applicant respectfully disagrees.

Claim 1 calls for the cutting edge being one piece projecting into the cutting guide and being adapted to solely spiral cut the hollow drinking straw, and that the cutting guide and cutting edge are arranged for allowing the user to select revolving either the cutting edge or the straw to cut the spiral cut in the straw. Cutlan simply does not anticipate the features in claim 1.

Cutlan has been addressed at length in the Applicant's earlier response, the arguments of which are incorporated by reference herein.

In Figs. 1-2, Cutlan discloses tool a with a leading guide j-k and cutter 1. Leading guide j-k has a blade "k" forming a lead-guide. As the work piece rotates, the blade k cuts into the wood (see line 66). The cutter 1, follows the cut made by blade k and further cuts the wood to form the spiral groove. Thus, in Cutlan both blade k and cutter 1 spiral cut the dowel. By comparison, claim 1 calls for the cutting edge being one piece projecting

into the cutting guide to solely spiral cut the straw. Cutlan fails to disclose this.

Further, claim 1 calls for the cutting guide and cutting edge being arranged for allowing a user to select revolving either the cutting edge or the straw about the centerline of the straw to spiral cut the straw. This means that arrangement of the cutting guide and cutting edge enable both cutting the spiral cut by revolving the tool and cutting the straw cut by revolving the straw. As has been noted before this is not possible with the grooving tool in Cutlan. The guides g and m in Cutlan and the cutter 1 in Cutlan are not arranged to allow a user to make a selection between revolving either the dowel or tool. The tool in Cutlan has a shape/configuration that, as has been noted numerous times before, simply requires that the dowel be held in and turned (i.e. revolved) by a lathe. The arrangement of the cutter 1 and guides g, m of the Cutlan tool render it virtually impossible in any useful sense to revolve the tool in order to cut the groove in the dowel. (For instance, the position of the cutter 1 and guides g, m relative to the handles b, c effectively prevent the user from having adequate control on the cutter 1 (to spiral out the dowel) when the handles are rotated in the vertical position, for example, when the user revolves the tool). In other words, the tool in Cutlan becomes inoperative if the user revolves the tool instead of revolving the dowel (with the lathe). Thus, in Cutlan, a user simply cannot select to revolve either the cutter or the dowel to groove the dowel because the arrangement of the guides and cutter do not allow the user to do so. In any event, there is simply no disclosure whatsoever in Cutlan that the cutting guide and cutting edge are arranged to allow any selection between revolving the cutting edge or the straw to make the spiral cut.

Claims 1-2 and 7-10 are patentable over the cited prior art and should be allowed.

Claim 11 recites that the cutting guide has contact surfaces that channel the straw in a direction to the cutting edge, and the secondary component (of the cutting guide) is movable relative to the contact surfaces that channel the straw to further guide the straw in a different direction than the direction the straw is channeled by the cutting guide. Cutlan fails to disclose this. The tool in Cutlan has guides g, j-k and m. Arguably, guides j-k and g may cooperate to channel the dowel to the cutting edge (the Applicant maintains not only that the Cutlan tool is wholly unsuited for operating as a straw cutting tool, and that Cutlan fails to disclose anything regarding guides for the dowel, and instead the only disclosure in Cutlan relates to guides m, j-k, g operating to guide the tool over a dowel supported independently from a lathe). Guide g is also movable relative to guides j-k. However, as clearly seen in Fig. 1 of Cutlan, it is the contact surfaces of guide g itself that operate to channel the dowel. Guides j-k, located but on one side of the dowel, and contacting the dowel but on one side, cannot and do not in and of themselves alone channel the dowel to the cutting edge. Rather, the contact surfaces that channel the dowel to the cutting guide are on both guides j-k and guide g. However, it is clear that guide g is not movable relative to its own contact surfaces. Cutlan fails to disclose a secondary component movable relative to the contact surfaces that channel the straw to further guide the straw in a different direction than the direction the straw is channeled by the cutting guide. Claim 11 is patentable over the cited prior art and should be allowed.

Claim 15 calls for cutting edge projecting into the cutting guide, the cutting guide guiding the hollow straw during insertion to the cutting edge, and the secondary component movable relative to the cutting guide further guiding the straw during insertion to the cutting edge and the angle between straw and cutting guide is changed when the secondary component is moved relative to cutting guide. Cutlan does not anticipate these features. As noted before, cutting guide 1 in Cutlan does not project into either cutting guide j-k, guide m, or guide g. Indeed, the only cutting guide in Cutlan into which the Cutlan cutting edge 1 projects is the guide j-k and g. In that case, Cutlan fails to disclose a secondary component movable relative to the cutting guide formed by j/k-g where the angle between straw and cutting guide is changed when the secondary component is moved relative to the cutting edge. Guide g cannot serve as both cutting guide and secondary component movable to the cutting guide. Guide m does not and cannot operate as secondary components movable to the cutting guide to change the angle of the straw to the cutting guide because its position in Cutlan would position the guide m to interface with the spiral cut portion of the straw (not effective in changing the angle of the straw portion on the cutting guide). Claims 15-24 are patentable.

Claim 39 is similar to claim 1 as it also calls for the cutting guide being disposed to substantially surround the straw for supporting the straw. Accordingly, claims 39-40, and 42-45 are also patentable over the cited prior art and should be allowed.

Claims 58 and 61 are similar in that both call for the housing being a molding at least in part. This is not disclosed in Cutlan, nor any other cited prior art.


Claim 60 calls for the housing being of unitary construction. This is not disclosed in Cutlan (tool frame a is clearly a multi-piece assembly), nor any other cited prior art.

Claims 62 and 63 are similar in that both call for the cutting edge being located for spiral cutting through a wall of the straw. This is not disclosed or suggested in any cited prior art.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any additional fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Janik Marcovici
Reg. No. 42,841
Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

11/5/04

Date